IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO. 8 OF 2007

IN

WRIT PETITION NO. 165 OF 2004

MR. ADOLFO JOHN CARVALHO, PANAJI-GOA. ....Petitioner

Versus

MR. MORAD AHMAD, CHIEF TOWN PLANNER TOWN AND COUNTRY PLANNING PANAJI, GOA AND 3 ORS. ....Respondents

Mr. J. Godinho, Advocate for the Petitioner.

Mr. S.S.Kantak, AG with Ms. R. Chodankar, Aga for the Respondents

Coram:- S.A.BOBDE, J.

Date:- 7th March, 2007

P.C.:

The petitioner's grievance is that the representations dated 28th July, 2003 and 8th August, 2003, as ordered by this Court on 7th June, 2004 have not been decided. The learned Advocate General points out that the correct date of the second representation is 16th September, 2003 according to a Corrigendum issued. It is however stated on behalf of the State by the learned Advocate General that the two representations referred to above, have been decided on 28th September, 2006 and 19th October, 2006 after this Court extended the time to decide the representations on 5th July, 2006.

The learned counsel for the petitioner however contends that the decision of the representations by the respondents, does not absolve them of the duty to comply with the orders of this Court, since, according to

him, the respondents have not taken action for demolishing the structures, referable to the second representation. There is no merit in this contention, since this Court did not direct demolition of the structures, but directed the respondents to decide the representations which they have done. In fact, it is pointed out on behalf of the respondents that the action of demolition has to be taken by the concerned Panchayat and the respondents have decided the representations, taking the view that the structures are illegal and now it is upto the Panchayat to take action.

In the circumstances, there is no merit in this petition for contempt which is hereby dismissed. Needless to say that the petitioner shall have the liberty to take such action as may be advised in accordance with law.

S.A.BOBDE, J.

sl.